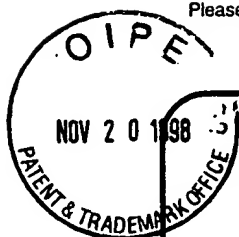


GAU 2731

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PTO/SB/21 (12-97)  
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/106,519
		Filing Date	June 29, 1998
		First Named Inventor	Keith McCloghrie et al.
		Group Art Unit	2731
		Examiner Name	Not Assigned
Total Number of Pages in This Submission	209	Attorney Docket Number	CIS-044

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<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">           PTO Form 1449            Return Receipt            Postcard         </div>
Remarks		

Group 2700

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Steven A. Swernofsky	Reg. No. 33,040
Signature		
Date	Nov. 16, 1998	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>Nov. 17, 1998</u>			
Typed or printed name	Arlette Malhas		
Signature		Date	Nov. 17, 1998

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Keith McCloghrie et al.

Serial No. 09/106,519

Filed: June 29, 1998

For: Sampling Packets for Network  
Monitoring

Art Unit: 2731

Examiner: Not Assigned

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Group 2700

#4

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited  
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Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

on 11-17-98  
Date

*Arlette Malhas*  
Arlette Malhas

**INFORMATION DISCLOSURE STATEMENT**

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

It is requested that the document(s) on the enclosed form be made of  
record.

**Part I (Authority)**

This statement is filed pursuant to:

(X) 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or (3) before the mailing date of a first office action on the merits, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

- ( ) 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$210), or a certification according to 37 C.F.R. § 1.97(e).

- ( ) 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c).

Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$130), a certification according to 37 C.F.R. § 1.97(e), and a petition requesting consideration of the information disclosure statement.

### **Conditional Petition**

It is respectfully requested that this information disclosure statement be considered, good cause being presented in Part III herein (certification). please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.

To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

### **Part II (Payment)**

Please charge any additional required fee or credit any overpayment to our Deposit Account No. 500365. An additional copy of this information disclosure statement is enclosed.

A check is enclosed as indicated:

- (X) No fee is due.

- ( ) The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$210).

- ( ) The petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$130).

### **Part III (Certification)**

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- (X) No certification is necessary.
- ( ) (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
- ( ) The “communication from a foreign patent office” referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
- ( ) The “counterpart foreign application” referred to in the certification corresponds to an ancestor or descendent application of the application for which this information disclosure statement is filed.
- ( ) (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

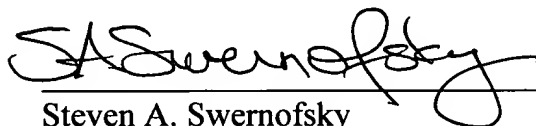
### **Part IV (Additional Statement)**

An additional statement regarding these items of information ( ) is, (X) is not, enclosed.

Copies of the cited art (X) are enclosed, ( ) are of record in parent application Serial No. \_\_\_\_\_ and will be provided if the Examiner deems it convenient.

Respectfully submitted,

Dated: 11-16-98



Steven A. Swernofsky  
Reg. No. 33,040

The Law Offices of  
Steven A. Swernofsky  
P.O. Box 390013  
Mountain View, CA 94039-0013  
(650) 947-0700

**Art Cited**

**United States Patent Numbers:**

4,679,189

5,095,480

5,287,453

5,490,258

5,630,125

5,748,186

**Foreign Patent Documents:**

Form PTO-1449 U.S. Department of Commerce  
(Rev. 2-32) Patent and Trademark Office  
Information Disclosure  
Statement by Applicant  
(Use several sheets if necessary)

Atty. Docket No.  
CIS-044

Serial No.  
09/106,519

Applicant: Keith McCloghrie et al.

Filing Date: June 29, 1998

Group: 2731

U.S. PATENT DOCUMENTS



Exam. Init.	Document No.	Date	Name	Class	SubClass	Filing Date
A	4,679,189	07/87	Olson, et al.	370	60	
B	5,095,480	03/92	Fenner	370	94.1	
C	5,287,453	02/94	Roberts	395	200	
D	5,490,258	02/96	Fenner	395	401	
E	5,630,125	05/97	Zellweger	395	614	
F	5,748,186	05/98	Raman	345	302	

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FOREIGN PATENT DOCUMENTS

Exam. Init.	Document No.	Date	Country	Class	SubClass	Translation	
						Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant